

AMENDED IN SENATE AUGUST 21, 2014

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2146**

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**Introduced by Assembly Member Skinner**

**(Coauthors: Assembly Members Bigelow, Chesbro, Gonzalez, Quirk-Silva, Rodriguez, V. Manuel Pérez, Waldron, and Wieckowski)**

**(Coauthor: Senator Vidak)**

February 20, 2014

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An act to add Section 147.4 to the Labor Code, relating to occupational safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2146, as amended, Skinner. Occupational safety: ~~firefighters~~. *firefighters: personal protective equipment.*

The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state.

~~This bill would require the standards board, by January 1, 2016, and every 5 years thereafter, to complete a comprehensive review of existing regulations for personal protective equipment for firefighters to determine if the standards adopted by the National Fire Protection Association (NFPA) provide a greater degree of personal protection to a firefighter. The bill would require the standards board, if it makes that determination in the affirmative, to consider modifying existing regulations for personal protective equipment for firefighters to reflect the standards adopted by the NFPA as a new safety standard for all employers of firefighters in the state.~~

*This bill would require the Department of Industrial Relations by January 1, 2016, to convene an advisory committee, composed as specified, to evaluate whether changes are needed to align certain safety orders relating to personal protective clothing and equipment for fire fighters with standards promulgated by the National Fire Protection Association (NFPA). The bill would require the committee to present its findings and recommendations to the Occupational Safety and Health Standards Board by July 1, 2016, and require the board no later than July 1, 2017, to render a decision regarding the adoption of changes to the safety orders, or other applicable standards and regulations, in order to maintain alignment with the NFPA standards. The bill would require the board, by July 1, 2018, and every 5 years thereafter, to complete a comprehensive review of all revisions to NFPA standards pertaining to personal protective equipment, as specified, and if the review finds that the revisions to applicable standards provide a greater degree of personal protection than the safety orders, the bill would require the board to consider modifying existing safety orders and to render a decision in that regard, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 147.4 is added to the Labor Code, to read:
- 2     147.4. (a) By January 1, 2016, the department shall convene
- 3     an advisory committee to evaluate whether changes are needed
- 4     to align the general industry safety orders in Sections 3403 to
- 5     3411, inclusive, of Article 10.1 (commencing with Section 3401)
- 6     of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division
- 7     1 of Title 8 of the California Code of Regulations with the

1 applicable and most recently promulgated standards of the  
2 National Fire Protection Association. The committee shall be  
3 composed of parties in both management and labor, represent a  
4 cross section of the fire protection industry and community, and  
5 be competent and knowledgeable regarding personal protective  
6 clothing and equipment for fire fighters and fire fighting practices  
7 generally.

8 (b) By July 1, 2016, the advisory committee shall present its  
9 findings and recommendations for consideration by the board. No  
10 later than July 1, 2017, the board shall render a decision regarding  
11 the adoption of changes to the general industry safety orders in  
12 Sections 3403 to 3411, inclusive, of Article 10.1 (commencing with  
13 Section 3401) of Group 2 of Subchapter 7 of Chapter 4 of Article  
14 8 of Division 1 of Title 8 of the California Code of Regulations,  
15 or other applicable standards and regulations, in order to maintain  
16 alignment with the applicable National Fire Protection Association  
17 standards.

18 (c) Beginning July 1, 2018, and every five years thereafter, the  
19 board, in consultation with the department, shall complete a  
20 comprehensive review of all revisions to National Fire Protection  
21 Association standards pertaining to personal protective equipment  
22 covered by the general industry safety orders in Sections 3403 to  
23 3411, inclusive, of Article 10.1 (commencing with Section 3401)  
24 of Group 2 of Subchapter 7 of Chapter 4 of Article 8 of Division  
25 1 of Title 8 of the California Code of Regulations. If the review  
26 finds that the revisions to applicable National Fire Protection  
27 Association standards provide a greater degree of personal  
28 protection than the safety orders, the board shall consider  
29 modifying existing safety orders and shall render a decision  
30 regarding the adoption of necessary changes to safety orders, or  
31 other applicable standards and regulations, no later than July 1  
32 of the subsequent year, in order to maintain alignment of the safety  
33 orders with the applicable National Fire Protection Association  
34 standards.

35 ~~SECTION 1. Section 147.4 is added to the Labor Code, to~~  
36 ~~read:~~

37 ~~147.4. (a) The board shall complete a comprehensive review~~  
38 ~~of existing regulations for personal protective equipment for~~  
39 ~~firefighters by January 1, 2016, and every five years thereafter, to~~  
40 ~~determine if the standards adopted by the National Fire Protection~~

1 ~~Association provide a greater degree of personal protection to a~~  
2 ~~firefighter.~~  
3 ~~(b) If the board determines that the standards adopted by the~~  
4 ~~National Fire Protection Association provide a greater degree of~~  
5 ~~personal protection to a firefighter, the board shall consider~~  
6 ~~modifying existing regulations for personal protective equipment~~  
7 ~~for firefighters to reflect the standards adopted by the National~~  
8 ~~Fire Protection Association as a new safety standard for all~~  
9 ~~employers of firefighters in the state.~~

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